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 TRANSIT DISTRICT

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 GE TRANSPORTATION SYSTEMS
 GLOBAL SIGNALING, LLC

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO BAY AREA RAPID
 TRANSIT DISTRICT,

Plaintiff,

vs.

GE TRANSPORTATION SYSTEMS
 GLOBAL SIGNALING, LLC,

Defendant.

AND RELATED COUNTERCLAIM

Case No. C 06-3749 JSW

**STIPULATION AND ~~PROPOSED~~
 ORDER DISMISSING THE FOURTH AND
 SIXTH COUNTS OF THE THIRD
 AMENDED COMPLAINT [F.R.Civ.P. 41(a)]**

Judge: Hon. Jeffrey S. White

Complaint Filed: June 13, 2006
 Trial Date: August 30, 2010

STIPULATION

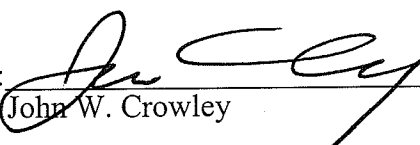
Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, plaintiff SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT ("BART") and defendant GE TRANSPORTATION SYSTEMS GLOBAL SIGNALING, LLC ("GETS") hereby stipulate that:

1. GETS did not terminate the Phase 2 Work within the meaning of Articles SC8.3 and P8.4 of the contract that is the subject of this lawsuit, and, therefore, the Court may order the dismissal of the Fourth Count of BART's Third Amended Complaint; and

2. The Sixth Count of BART's Third Amended Complaint presently is procedurally inappropriate, and the Court may order its dismissal.

DATED: November 11, 2009


CROWLEY, STRINGER & FENSKE LLP

By: 
John W. Crowley

Attorneys for Plaintiff and
Counterdefendant
SAN FRANCISCO BAY AREA RAPID
TRANSIT DISTRICT

DATED: November ¹²~~11~~, 2009

FARELLA BRAUN + MARTEL LLP

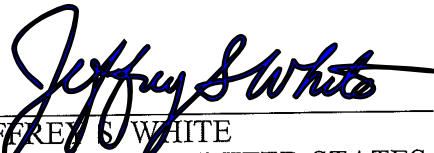
By: 
Charles M. Sink

Attorneys for Defendant and Counterclaimant
GE TRANSPORTATION SYSTEMS
GLOBAL SIGNALING, LLC

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: November 30, 2009


JEFFREY S. WHITE
JUDGE OF THE UNITED STATES
DISTRICT COURT

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